

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SCHOCK,

Case No. C 14-1902 RS

Plaintiff,

v.

ORDER STAYING ACTION

CITY OF LAFAYETTE, et al.,

Defendants.

Defendants move to dismiss the complaint in part, and also seek to stay this action pending disposition of criminal proceedings against plaintiff arising from the incident that forms the basis of his claims herein. Defendants invoke both *Younger v. Harris*, 401 U.S. 37 (1971) and *Heck v. Humphrey*, 512 U.S. 477 (1994) in arguing a stay is warranted. Pursuant to Civil Local Rule 7-1(b), the matter is suitable for disposition without oral argument.

By prior order, the parties were requested to submit a joint statement regarding the status of the criminal proceedings, which they have done. In light of what appears to be substantial uncertainty as to when those proceedings will be concluded, it would be inappropriate to impose an open-ended stay of this action pending any such conclusion. Nevertheless, particularly given the potential impact of the criminal proceedings under *Heck* (regardless of whether *Younger* abstention might also be warranted), the circumstances warrant a stay of limited duration. Accordingly, this action is hereby stayed until April 1, 2015 or until conclusion of the criminal proceeding, whichever

1 shall first occur. The parties shall notify the Court immediately upon any conclusion of the criminal
2 proceeding, or shall file a further joint status report on April 1, 2015.

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5 IT IS SO ORDERED.

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7 Dated: 9/25/14



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9 RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE